

Teleworking Policy
in
the Public Administration

Management and Personnel Office
Employee Relations Directorate
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Teleworking in the Public Administration¹

1. Introduction

The purpose of this policy is to set up a formal framework for the administration of telework in the public administration of Malta. This policy document outlines the general principles on which telework should be administered in the Maltese Public Service and Public Sector and is intended to be used in combination with the Teleworking guidelines. Complementary to this policy, the appended guidelines are intended to facilitate the implementation of telework as a flexible working arrangement.

2. Definitions

Telework:

Telework is a form of organising and /or performing work, using information technology, in the context of an employment contract / relationship, where work, which could be performed at the employers premises, is carried out away from those premises on a regular basis.

Teleworker:

A teleworker is any Public Service and Public Sector employee carrying out telework as defined above.

Head of Department:

For the purpose of this document, the term Head of Department includes also Directors and the equivalent authority in the relevant Public Sector Entity.

3. Who can Telework

In principle, all employees, whose job performance traits and skills as well as the nature of their job, are suitable for telework, can engage in telework. Qualifying employees whether engaged on a full-time or part-time basis, including persons working on reduced hours, on a definite or indefinite contract can telework.

3.1 Voluntary Character

Teleworking is voluntary and therefore cannot be demanded as a right by the employee neither can it be enforced as an obligation by the Head of Department. In considering whether to agree to a telework arrangement, the Head of Department shall take into account both the operational requirements of the entity, as well as the reasons brought by the employees who wish to telework. The request for telework is registered by means of a specific application which is processed in an established manner. The Application, will be recommended by the Head of Department, and endorsed by the Director responsible for corporate services. The Permanent Secretary, shall determine whether a request is approved or rejected. The Permanent Secretary's decision is binding.

3.2 Suitability of Employee for Telework

For an employee to telework successfully s/he must possess a number of personal traits which reflect on her/his competencies and performance at work. These traits are normally directly and/or indirectly known to the Head of Department and on the basis of which s/he will process the respective application for any employee in her/his department/directorate, requesting a telework arrangement.

¹ This policy takes into consideration the research project carried out together with the NCPE (National Commission for the Promotion of Equality) feedback received from Government Ministries, the EU Framework Agreement concluded by the European Cross Country Industry Social Partners on 16th July 2002, and the CITAC memorandum of September 2006.

3.3 Suitability of Job for Telework

The job to be performed through telework should also have a number of characteristics. Jobs, which only meet some part of the criteria, cannot qualify for telework. In such cases the Head of Department may consider that the specific part of the job which completely satisfies the criteria may be carried out through telework.

4. Employment Conditions

Teleworkers shall benefit from the same rights, guaranteed by applicable legislation and collective agreements, as comparable employees at the employer's premises. However, in order to take into account the particularities of telework, specific complementary collective and / or individual agreements may be necessary as outlined in the guidelines, but no additional benefits are to be granted.

5. Data Protection

In order to ensure protection of data used by the teleworker, the Head of Department is responsible to take all the necessary measures set out by the local legislative framework on Data Protection, the pertinent European Directives and a number of relevant Government Policies and Standards which regulate all aspects of software use. The Head of Department must further ensure that the teleworkers are adequately informed of the relevant codes of conduct.

6. Privacy

The Head of Department must ensure that security norms are in place; but the privacy of the teleworker must be respected, and any monitoring systems put in place must be proportioned to the objectives to be achieved. The monitoring systems must respect the limits of the applicable European Directive on this matter.

7. Equipment

Issues regarding the provision of equipment, liability and costs are to be clearly defined before starting telework.

The Government or an agency commissioned by the Government is responsible for providing, installing and maintaining the equipment necessary for regular telework. Based on the nature of work to be conducted by the teleworker, the Head of Department will determine the appropriate equipment for the teleworker. Installation and operational costs for the voice communication system and other equipment necessary to conduct teleworking will be borne by the Government.

8. Health and Safety

The Government is responsible for the protection of the occupational health and safety of the teleworker in accordance with European Directives on the matter and local legislation, namely the 'Occupational Health and Safety Authority Act 2000'. However, given the very limited control over the wider teleworker's physical environs, the employer's health and safety responsibility is limited only to the workstation, where approved teleworking is performed. Teleworkers must also take reasonable care of their own health and safety and the health and safety of others who may be affected by what they do and must cooperate with the competent Government Authorities on health and safety equipment provided. Training will be provided to persons intending to telework to enable them to assess the risks related to the work station from where they intend to perform telework and to address them.

9. Organisation at Work

The workload and performance standards have to be outlined and must be compatible to those of workers at the department/directorate. To minimize the risk of social isolation, it is recommendable

that the teleworker conducts some of his/her work from the office and a small proportion of the working time can be spent at the place of work.

10. Monitoring of Telework on a Regular Basis

The Head of Department must monitor the work on a regular basis. Failure to meet the agreed standards and workload entails immediate termination of telework. The employee may appeal the decision to the next higher authority whose decision will be final.

11. Training

Teleworkers should have the same access to training and career development opportunities as comparable employees working at the place of work. Appropriate training on the effective use of equipment to perform telework should also be organised to ensure the teleworking employee has the necessary skills, and to maximize productivity. Supervisors are also to receive appropriate training on this form of work and its management.

Persons in authority who will be assessing applications for telework shall also be regularly briefed about the characteristics of this working arrangement such that an objective appraisal of the applications is promoted. The employee should further attend compulsory training session/s provided by the Government on the design of appropriate and risk-free workstations.

12. Telework Contract

Teleworkers must sign an annual contract which outlines the voluntary arrangement, the conditions, and the organization of the work.

13. Conclusion

This policy is directly in line with Government policy to encourage family-friendly working arrangements. A sustained effort to facilitate the take-up of such arrangements, while ensuring that the entity's output and timeliness are maintained, is strongly encouraged.

GUIDELINES ON THE IMPLEMENTATION OF TELEWORK BY PUBLIC SERVICE AND PUBLIC SECTOR EMPLOYEES²

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² These guidelines have been discussed during CITAC meeting held on the 17th July 2007 at the Ministry for Investment, Industry and Information Technology

1.0 Document Overview

This document is intended to provide the line Ministries and public entities³ with a detailed explanation of the framework to be adopted for the provision of telework facilities for public employees. Line Ministries and public entities interested to offer teleworking to their employees should adhere to these guidelines.

2.0 Definition and Scope

Telework⁴ is a way of working using information and communication technologies to perform a job independently of location. Telework is not a job but a method of working, and provides flexibility in the locations where employees may perform their jobs, be it at home, at an alternate office closer to home, or at other defined locations. In the context of the ongoing societal developments, most notably the rapidly increasing pervasiveness in IT literacy of the Maltese Society, telework is a methodology of work that should be embraced as it will be set to become more mainstream in the Maltese work force.

This policy applies to all public employees, including employees of entities in Government control, Government funded entities and entities with public majority shareholding.

A teleworker, within the context of this document, refers to a public employee who carries out part of the working week at an agreed alternate location, usually his/her own home.

3.0 General Provisions Governing Telework for Public Employees

3.1 Voluntary Character

- 3.1.1. Telework is based on a voluntary agreement between the individual and the Ministry / Entity. Although the latter strives to promote teleworking an eligible individual should not interpret eligibility as an automatic right to engage in teleworking. Conversely, a Director cannot oblige an employee to take up teleworking as long as s/he expresses her / his wish to engage in teleworking. A final decision as to whether a public employee is granted teleworking or not should always be endorsed by the Director or Human Resource Manager. The decision of the Permanent Secretary of the respective line Ministry is final.
- 3.1.2. Employees who find the teleworking arrangements to be unsatisfactory should be provided with the option to opt out.
- 3.1.3. Unless an employee is on an employment contract which engages him/her for less than one month and/or a working week not exceeding eight hours or of a casual and/or specific nature, the Department/Directorate or Entity should provide the teleworker with relevant written information on the essential aspects of the contract or employment relationship and in accordance with the 'Employer's obligation to inform employees of the conditions applicable to the contract or employment relationship. These obligations emerge from the relevant Directives⁵ and Council Directive 91/533/EEC⁶. Some of these aspects include, but are not limited to, the nature or category of the work for which the employee is employed, length of notice period, length of the employee's normal working day or week and a written contract of employment and/or a letter of engagement.
- 3.1.4. Teleworking is not designed to be a replacement for appropriate dependent care. Although an individual employee's schedule may be modified to accommodate dependent care needs, the focus of the arrangement must remain on job performance and meeting business demands.

³ Public entities include all centrally-funded public entities, authorities, foundations, agencies, public corporations and limited liability companies with public majority shareholding and not quoted on a stock exchange.

⁴ Within the scope of this document the terms e-Work / e-Working and telework / teleworking are interchangeable.

⁵ These Directives may be accessed in the EUR-LEX section on the EU webpage at www.europa.eu

⁶ Council Directive (91/533/EEC) may be accessed in the EUR-LEX section on the EU web page at www.europa.eu

Prospective teleworkers should discuss these expectations of telework with family members and the relevant Director, prior to entering into a trial period.

- 3.1.5. Individuals requesting telework as an alternative work arrangement will be evaluated according to specific criteria. The teleworker and teleworker's Director, with the assistance of the Human Resources Manager or Director responsible for corporate services, will evaluate the suitability of such an arrangement by completing an Application for Telework (Appendix B) paying particular attention to the following areas:

Employee Suitability – The Director will assess the needs and work traits of the employee, according to the criteria in Section 2 of the Application for Telework (Appendix B);

Job Suitability – the employee and the Director will discuss the job responsibilities and determine if the job or parts of it is/are appropriate for teleworking arrangements. The Director should consult the flowchart (Appendix F) for an overview of the process for determining Job Suitability.

Equipment requirements – It is within the remit of the Director, who in consultation with the respective CIO determines the kind of equipment required by the teleworker, in order to effectively carry out the designated tasks.

- 3.1.6. Teleworking, only modifies the way in which work is performed and should not affect the teleworker's employment status. A worker's refusal to opt for telework is not, as such, a reason for terminating the employment relationship or changing the terms and conditions of employment of the worker.
- 3.1.7. There will be a one-month trial period during which time the teleworking arrangement may be reversible at any time at the request of either the teleworker or the Department/Directorate. At the end of the trial period the Director makes an evaluation of the arrangement and makes recommendations for the continuation, modification or termination of the agreement. Following a successful trial period teleworking arrangements are subject to review every 3 months for another six months and then every six months for the period during which the employee is teleworking. The Director reserves the right to remove an employee from teleworking status by giving the employee adequate notice as stipulated in the Agreement.
- 3.1.8. The Director must monitor the work on a regular basis. Failure to meet the agreed standards and workload entails immediate termination of telework. The employee may appeal the decision to the next higher authority whose decision will be final.
- 3.1.9. **Short-term telework** - It is possible for an employee to make a request for a temporary teleworking arrangement in order to complete a task away from the office. These arrangements should not involve government in any additional expenses. Such requests should be driven by the need to focus on a specific assignment that requires a higher degree of concentration, which may not always be possible in a shared office environment. In this context an employee, who requires some time away from the office to complete a task by a pre-agreed deadline may discuss the case with his/her superior. The Superior may, on the merit of each individual case, grant permission to an employee to work from home for a pre-defined and mutually agreed period to complete the job. Once the assignment is completed the employee shall return to his/her office. Such cases should not be considered as formal teleworking arrangements and hence the employer and the employee will not be bound by any terms of the teleworking agreement. Should the employee consider adopting telework as a formal work arrangement s/he will undergo the process as defined by these guidelines.

4.0 Employment Conditions

Teleworkers benefit from the same rights, guaranteed by applicable legislation and collective agreements, as comparable workers at the employer's premises. However, in order to take into account the particularities of teleworking a specific agreement has been devised (Appendix C).

Particular aspects, which will be specified in the telework agreement include:

- Place of work
- Hours of work
- Address at which the employee carries out telework
- Telephone number, where employee can be contacted during office hours
- Notice of termination period
- Duration of trial period and periodical reviews of teleworking arrangements

5.0. Data Protection

- 5.1 The Department/Directorate or Entity, authorising telework is responsible for taking all appropriate measures in order to ensure that any data used by the teleworker in connection with his/her teleworking activity is fully protected. The Director should indicate to the teleworker the applicable rules and regulations concerning data protection. It is the teleworker's responsibility to comply with these rules and regulations and if breaches are committed the teleworking agreement of the faulting teleworker can become nullified. The revocation of the teleworking agreement would not prejudice further actions, deemed appropriate in cases of data protection breaches by government employees.
- 5.2 The Data Protection Act 2001, Cap 440⁷ refers, among other responsibilities, to the controller's responsibilities for the fair and lawful processing of personal data, and that such data should not be kept for a period longer than is necessary. Therefore, in order to safeguard the requirement defined in the Act, the total management of the data security is to be considered by the Director before any data is passed to the teleworker for processing.
- 5.3 The security of equipment, assets, information, confidentiality, and copyright should be in accordance with Government's relevant policies. A teleworker will ensure the protection of any work-related and customer information accessible from their home office. Measures include but are not limited to, use of locked file cabinets, disk boxes and desks, regular password maintenance and other appropriate measures consistent with the nature of work. In particular, teleworkers should ensure that other household members or friends should not have access to personal data as defined by the Data Protection legislation.
- 5.4 The Director is additionally responsible of informing the teleworker of his/her responsibility to abide by the Government Policies and Standards⁸ on MAGNET connectivity, e-Mail and Internet use policies, use of software such as anti-virus and spam control, and any applicable security and technical issues as advised by MITA Limited, being the provider of technology services to the Government.
- 5.5 The European Data Protection Telecommunications Directive (97/66/EC)⁹ imposes special rules for the processing of personal data in public telecommunications systems. The Director, authorising telework should likewise, familiarise him/herself with this directive, and is therefore responsible to ensure that the teleworkers are aware of any its articles that are deemed relevant to his/her work

⁷Chapter 440 of the laws of Malta may be accessed from

<http://www.justiceservices.gov.mt/DownloadDocument.aspx?app=lom&itemid=8906&l=1>

⁸ The following documents apply; 1) Connectivity to Magnet (Malta Government Network) Policy, version 1.0, 2) Connectivity to Magnet (Malta Government Network) Directive, version 1.0, 3) Connectivity to Magnet (Malta Government Network) Standard, version 1.0, 4) Information Security Policy, version 2.0, 5) Minimum Information Security Directive , version 2.0 and may be accessed at www.MITA.gov.mt

⁹ Directive 97/66/EC may be accessed in the EUR-LEX section of www.europa.eu

6.0 Privacy

The employer respects the privacy of the teleworker. This applies to arrangement for access to the site from which the teleworker is working. If any kind of monitoring system is put in place, it needs to be proportionate to the objective and introduced in accordance with 'the minimum safety and health requirements for work with display screen equipment 'Directive (90/270)¹⁰ on visual display units. This Directive contains a requirement which stipulates that in designing tasks and choosing software, no qualitative or quantitative checking facility may be used without the knowledge of the worker. Employees should be advised in cases where their activity is being monitored. This includes cases of the utilisation of key-logging software where all activity on the employee's computer can be tracked and recorded, or where the computer is being controlled remotely.

7.0 Equipment

- 7.1 The Government or an agency commissioned by the Government is responsible for providing, installing and maintaining the equipment necessary for regular telework unless the teleworker uses his/her own equipment. Based on the nature of work to be conducted by the teleworker, the Director will determine the appropriate equipment for the teleworker. Installation and operational costs for the voice communication system and other equipment necessary to conduct teleworking will be borne by the Government.
- 7.2 Technical requirements for the teleworker are being defined according to the level of access required by the teleworkers to conduct the work in an effective and efficient manner as if s/he is performing at the office. For some employees, teleworking may be performed successfully using e-mail and possibly a standard telephone contact or other means of verbal communications (e.g. VOiP) as established a priori with the respective Department/Directorate or Entity. As long as the documents are not of a sensitive nature, these may be e-mailed across locations or transported on physical media. This band of users is being referred to as Tier 1.
- 7.3 A second category of users would need access to applications or data directly from a server, and therefore, a higher degree of security is required. For these cases it is necessary that the connection is made over a Virtual Private Network (VPN)¹¹ with a digital ID¹². This band of users is being referred to as Tier 2.
- 7.4 Finally, a third type of users would just require access to specific files or systems within their respective department/directorate or entity therefore, a secure VPN connection will be sufficient. This band of users is being referred to as Tier 3.
- 7.5 The type of equipment required and the corresponding estimated costs of each type of user.
- 7.6. Where appropriate, desktop support and call centre services will be provided by MITA, which will assume the management and control function of teleworkers' support. Thus, in cases where a laptop requires maintenance (both hardware and software), the teleworker should deliver the computer to the office and advise the Director for the necessary follow-up.
- 7.7. Any damages sustained to the equipment should be immediately reported to the superior. Furthermore, a teleworker who presents a successful application to conduct telework, will, in addition, to signing a formal agreement, be required to sign a Declaration of Asset Inventory form which defines the responsibilities of the teleworker with respect to the Government equipment in his/her possession .

¹⁰ Directive 90/270/EC may be accessed in the EUR-LEX section of www.europa.eu

¹¹ A virtual private network (VPN) is a network that uses a public telecommunication infrastructure, such as the Internet, to provide remote offices or individuals users with secure access to their organisation's network. A virtual private network can be contrasted with an expensive system of owned or leased lines that can only be used by one organization. The goal of VPN is to provide the organisation with the same capabilities, but at a much lower cost. A VPN works by using the shared public infrastructure while maintaining privacy through security procedure and tunnelling protocols.

¹² An electronic identity is a set of information that uniquely identifies a client to a computer system. Examples of an electronic identity are a username or digital certificate identifier.

- 7.8. In order to ensure work continuity, the employee should accept any temporary arrangement provided by his or her Director. This arrangement shall remain in force until the equipment's functionality is fully restored
- 7.9 Hardware used for telework will be governed by the relevant Government policies on the use of ICT in Government; this applies to whether the equipment is provided by the entity or whether it belongs to the employee. The teleworker must sign a statement attesting to the Government-owned property in his/her possession and pledges to protect the items from damage or theft. Upon termination of employment or the teleworking agreement all Government property must be returned to the Government.
- 7.10 The employee must establish an appropriate work environment within his/her home for work purposes. The Government will not be responsible for costs associated with the initial setup of the employee's home office such as remodelling, furniture or lighting, nor will it be responsible for repairs or modifications to the home office space to accommodate telework. After all equipment has been delivered, the teleworker will sign and return a checklist of all hardware and software provided.

8.0 Health and Safety

- 8.1 The employer is responsible for the protection of occupational health and safety of the teleworkers in accordance with Council Directive about 'the introduction of measures to encourage improvement in the health and safety of workers at work' (89/391)¹³ and relevant daughter directives, national legislation, namely the 'Occupational Health and Safety Authority Act 2000' and collective agreements. Given the very limited control over the teleworker's physical movement and activity whilst engaged in telework, the employer's health and safety responsibility in respect of the teleworker is limited only to the workstation, where approved telework is normally conducted and which was previously assessed for risk by the employee him/herself, following the attendance of specific training on risk assessment of workstation.
- 8.2 In carrying out the obligations required to be observed in connection with Health & Safety:
- 8.2.1 The employer shall ensure that initial installation of equipment, which shall be of such safety standards as are applicable if the equipment were to be installed at an "on-site" work-place, shall be carried out in such a manner as to ensure safe operation given the nature of the equipment and the area in which it shall be operated, due consideration being given to family and social factors in the said area and that the employee is properly instructed in the safe use of the equipment. Moreover, the employee should attend compulsory training session/s provided by the Government on the design of appropriate and risk-free workstations. Following the successful completion of this training the employee is required to conduct a risk assessment of the workstation, from where s/he is intended to perform telework.
- 8.2.2. The employer shall carry out periodic, pre-announced visits to the work-place to examine the equipment and work-place and may request any necessary adjustments to the work-place, including modification to the placement or positioning of the equipment, at the employee's expense, subject to the employee's consent thereto. In the event that the employee does not consent to visits or modification or repair, the employer shall have no liability whatsoever in the event of injury or incapacity caused by the equipment or the work-process occurring since installation or the last visit performed as the case may be. The employer shall at his complete discretion be entitled to terminate the teleworking arrangement in the event that circumstances so require.

¹³ (Directive 89/391/EC) may be accessed at the EUR-LEX section of www.europa.eu
The Occupational Health and Safety Authority Act 2000 may be accessed from
<http://www.justiceservices.gov.mt/DownloadDocument.aspx?app=lom&itemid=8890&l=1>

- 8.2.3 The employee shall take reasonable care of the equipment and examine same from time to time with a view to ensuring that it remains functional and safe for him/herself and other family members or visitors. Furthermore, the employee shall not make any modification to the equipment or the placement thereof within the operating area and shall not attach thereto any other equipment other than with the consent and under the supervision of the employer.

9.0 Organisation of Work

- 9.1 There is a risk that a teleworker may experience social isolation, therefore arrangements should be put in place to ensure that teleworkers have the same access to Government information as their office-based colleagues.
- 9.2 Part of the working time (a minimum of 10% of the total time a teleworker works per month) is to be spent at the employers' premises and face to face meetings unless otherwise agreed between the employee and the permanent secretary.
- 9.3 All internal communications such as memos and newsletters are to reach the teleworker promptly by e-Mail.
- 9.4 In those cases where the completion of a job requires the effective accessibility to the intranet the teleworker should be provided with access to the relevant Government and public entity intranets.
- 9.5 Whenever it is necessary a teleworker can be contacted by telephone during the normal office hours, furthermore, a teleworker is also expected to regularly check the e-mail. Under normal circumstances the employee is not expected to be available before and after the specified core hours with the exception of those employees whose job responsibilities require them to be contactable after normal working hours. The teleworking employee has no right to refund of any telephone expenses (whether on fixed lines or mobile phones), made in connection with teleworking.

10.0 Training

- 10.1. Teleworkers have the same access to training, career development opportunities and promotions as the office-based workers at the employer's premises and are subject to the same appraisal policies as these other workers. Core areas may include:
- Job-related skills - those specific to the particular requirements on the job;
 - Generic Skills - including competence in IT and the use of new communications methods (for example use of modems, e-mail, on-line discussion, and the use of any special software required to complete the tasks), report-writing skills and effective telephone communication skills; and
 - Self-management skills, including training in time management.
- 10.2 Training is to be organised for the teleworker prior to engaging in teleworking in order to ensure that the employee possesses all the skills and knowledge necessary to telework successfully. The necessary skills would include time management and basic ICT competencies, which would permit the teleworker to conduct his/her, job efficiently.
- 10.3 Teleworking, particularly when it involves prolonged spells away from the office necessitates specific training to ensure that employees are working efficiently and safely. Supervisors and Directors, who normally have difficulty in managing subordinates at the office, would find it even more difficult to manage them at a distance. Information and training sessions targeted at management are thus to be organised to ensure that managers are able to adapt to new modes of interaction with teleworkers and more importantly to exercise the same level of management effectiveness as when the teleworker is carrying out his/her duties at the office.

11.0 Job and Employee Suitability

- 11.1. **Job Suitability** - Jobs suitable for telework include those involving a high degree of information processing that also have clear objectives, measurable outputs and minimal requirements for supervision. Some jobs that are not suitable in their entirety may be broken down into separate tasks and performed partly through telework. It is the responsibility of the Director to ensure that the tasks to be performed as telework are substantial enough to occupy the teleworker for a minimum of two days per week for at least the next six months. If it is estimated that the tasks to be performed amount to less than this workload, the request for teleworking should be declined. This minimum threshold is necessary to ensure that expenses related to the hardware installation are 'recuperated', which may not be possible within the short-term. Other teleworking arrangements are possible on an ad hoc basis in order to accommodate temporary cases of teleworking such as project-based telework as described under 3.1.9.
- 11.1.1 Jobs that require employee's ongoing physical presence and jobs which require face-to-face contact with the public and / or other staff members are not suitable for telework.
- 11.1.2 Security and / or confidentiality issues and requirements of access to material that cannot be moved from the office environment will prevent the job from being accomplished at an alternative worksite.
- 11.1.3 Jobs that are suitable for teleworking must have the following minimum characteristics:
- require mostly thinking and writing rather than acting
 - heavy on information / data processing
 - are clearly defined
 - have clear objectives and measurable outputs
 - have minimal requirements for supervision.
- 11.1.4 Few examples of jobs that can be potentially performed through telework include: Data inputers, Computer programmers and other employees whose job consists mainly of desk-based research.
- 11.2 **Employee's Suitability** - In order for an employee to conduct telework successfully, the employee must possess all of the following traits and skills:
- 11.2.1 **Ability to work independently and without constant supervision** - Employees engaged in telework are not working in the immediate proximity of their superiors and are less likely to benefit from face-to-face and prompt advice, clarifications and supervision. Teleworkers should therefore, exercise sufficient independence when performing their work in locations other than the normal office environment.
- 11.2.2 **Competence in time management skills** - Time management skills are key to achieving set goals in a timely manner and to attaining a reasonable balance between work and life commitments without compromising work productivity. Thus, teleworkers who have consistently proved to have poor time management skills are not suitable for telework.
- 11.2.3 **Ability to work on own initiative** - The voluntary adoption of telework should motivate employees to work on their own initiative with minimum supervision. A teleworker is expected to think proactively and suggest new work methodologies, which shall lead to an improvement in the overall performance of his/her teleworking experience. Such innovative ideas or initiatives, if effective, should be reflected in the Performance Management Programme (PMP), and where applicable, disseminated as an example of 'good practice' to other teleworkers.

- 11.2.4 **ICT literate** - The employee must possess sufficient ICT literacy to conduct teleworking effectively. As a minimum a teleworker should be able to use basic office applications, Internet and E-mail.
- 11.2.5 **Track record of past performance to meet deadlines and deliverables** – Workers on a teleworking arrangement should ideally have a proven track record of good performance and sustained productivity. The employee must have not received any suspension or demotion due to misconduct or poor performance within the two years prior to the start of telework.
- 11.3 **Core Categories** - For the purpose of these guidelines jobs that are deemed suitable for telework are categorised in two broad groups; 1) Work of support functions based on contact times and 2) Knowledge-based work based on deliverables
- 11.3.1 Workers in the first category, normally carry out supporting roles in office environments including customer care, filing of documents, photocopying, visual scanning of newspapers, making basic use of computer applications and keeping records. Therefore, whilst the suitability of a job for telework remains situation-specific it is safe to assume that many workers in this category perform a mixture of tasks, of which only a portion can be effectively performed as telework. Furthermore, in any given working day an employee is likely to perform multiple jobs, some of which are teleworkable whereas others are not. This occurs because no particular task is probably substantial enough to require a whole working-day. Hence, a reorganisation of tasks may be required to allow individuals to provide this supporting role through telework. Normally, the productivity of these employees can be measured in quantitative terms.
- 11.3.2 Workers in the second category have deliverables that generally require more thinking and writing and are rather heavy on information, analysis and interpretation of data. Such workers are likely to be in the professional and managerial grades and may include architects, accountants, IT specialists and project managers amongst other professionals. The completion of some projects will require the inputs of other employees hence effective voice and other types of communication are of particular importance for workers in this category. Security issues related to the accessibility of sensitive information should also be taken into consideration. These workers, most often, have pre-defined deliverables.

12.0 Administration

12.1 Telework Application Procedure

In order to accept an application from an employee to telework, it is essential that the required work assignments can be achieved with limited guidance and are of the same quality as when the employee is working within the office environment. An application form (Appendix B) is to be filled in by the employee and forwarded to his/her immediate supervisor. Each request is evaluated on a case-by-case basis on the criteria laid down in the application form.

12.2 Steps to be taken when an employee applies for telework.

- i) The employee, together with the immediate supervisor, fills in Section 1 of the 'Application for Telework' Form (Appendix B).
- ii) The Director is to separately complete Section 2 of the application (Job and Employee suitability.)
- iii) Section 1 of the Application form, duly signed by both applicant and supervisor (where applicable) is to be despatched to the Director. After having reviewed Section 1 and filled in Section 2 of the application the Director will approve or reject an application. An unsuccessful application will not progress any further and the applicant is informed accordingly. Approved applications are then sent to the Human Resources Manager / Director responsible for corporate services.

- iv) On receipt of application, the HR Manager will review the application and note the recommendation of the Director. Should any clarifications be required these are to be made in writing. Once the application is reviewed by HR Manager and signed, it will be passed to the Permanent Secretary for his/her final endorsement and signature. When the application is duly signed by all concerned an e-mail is sent to the applicant and copied to his/her supervisor and the Director, and HR Manager/Director responsible for corporate services, informing them of the approval.
- v) Following the approval stage of the application, an assessment of the employee's requirements (including technical training) is to be carried out.

12.3 Letter of Agreement

- 12.3.1 A letter of Agreement should be signed by the employer and the employee so that both parties understand the rights and responsibilities of telework and the specific terms under which the teleworker will operate. A specimen 'Telework Agreement' may be found in Appendix C.
- 12.3.2 The days and times during which the teleworker will be working from the alternate workplace are to be specified in the Letter of Agreement. Should the need arise for ad hoc changes to this schedule, for example due to meetings where the employee is expected to be present, a notice of two working days should be given to the teleworker prior to the meeting.

APPLICATION FOR TELEWORK

Attention all applicants – Any false statement, misrepresentation or concealment of material fact on this form or any document presented in support of this application may constitute grounds for criminal prosecution.

Information Protected – Personal information provided on this application form is protected, and used in accordance with the provisions of the Data Protection Act.

SECTION 1

(To be completed by the employee)

APPLICANT'S DETAILS:

Surname: _____ Name: _____

Ministry / Entity _____ Department/: _____
Directorate

Grade / Position: _____ Office Tel: _____

E-Mail Address: _____ ID card No.: _____

HARDWARE

(Tick the one applicable)

	Yes	No
At work, do you use a desktop or a laptop?	<input type="checkbox"/>	<input type="checkbox"/>

SOFTWARE

Please list specific software / services / applications you need access to:

I need access to the standard Office Automation software only.

In addition to the standard Office Automation software, I need access to the following:

CONNECTIVITY REQUIREMENTS

(Tick the one applicable)

Tier 1: Internet, E-mail

Tier 2: Internet, E-mail, VPN

Tier 3: VPN

LOCATION DETAILS:

Please specify the address from where you will be e-working and where you need the e-work facilities installed:

Functions to be performed through Teleworking

List all the tasks that are to be performed remotely from the office.

Teleworking Schedule Proposed by Employee¹⁵⁵

Please tick boxes when e-work is preferred:

N.B. A minimum of 10 % of the total working time is to be performed from the Ministry's/Entity's Premises, unless otherwise agreed (vide article 9.2 of the Guidelines).

	AM	PM
Monday	<input type="checkbox"/>	<input type="checkbox"/>
Tuesday	<input type="checkbox"/>	<input type="checkbox"/>
Wednesday	<input type="checkbox"/>	<input type="checkbox"/>
Thursday	<input type="checkbox"/>	<input type="checkbox"/>
Friday	<input type="checkbox"/>	<input type="checkbox"/>

Other Information

(The information provided below is not mandatory, however where a choice has to be made between applicants due to limited e-Work opportunities, the information may influence the decision to grant e-work facilities to those who will benefit most if all other factors are equal)

- | | YES | NO |
|---------------------------------|--------------------------|--------------------------|
| • I am a working parent | <input type="checkbox"/> | <input type="checkbox"/> |
| • I am a single parent | <input type="checkbox"/> | <input type="checkbox"/> |
| • I take care of ageing parents | <input type="checkbox"/> | <input type="checkbox"/> |

Employee's Full Name: _____ **Signature:** _____

Supervisor's Full Name: _____ **Signature:** _____

The information shown on this application form will be used for statistical, record-keeping and payment purposes by the employing department and Public Administration HR Office .

¹⁵⁵ The Director concerned may propose a different teleworking schedule, in which case, it prevails.

SECTION 2

(TO BE COMPLETED BY THE APPLICANT'S DIRECTOR)

SELECTION CRITERIA QUESTIONNAIRE

Job's Suitability*

- | | YES | NO |
|--|--------------------------|--------------------------|
| • Employee can perform job without a high degree of interaction with clients | <input type="checkbox"/> | <input type="checkbox"/> |
| • Employee can perform job without a high degree of interaction with colleagues | <input type="checkbox"/> | <input type="checkbox"/> |
| • Employee can perform job without need to access secure files or documents that cannot be removed from the workplace | <input type="checkbox"/> | <input type="checkbox"/> |
| • Job can be performed at a remote location | <input type="checkbox"/> | <input type="checkbox"/> |
| • Job can be split up into different tasks, some of which can be performed remotely and collectively amount to a minimum of two days of teleworking per week | <input type="checkbox"/> | <input type="checkbox"/> |

Employee's Suitability*

- | | YES | NO |
|---|--------------------------|--------------------------|
| • Employee is able to work without constant supervision | <input type="checkbox"/> | <input type="checkbox"/> |
| • Employee is competent in time management skills | <input type="checkbox"/> | <input type="checkbox"/> |
| • Employee is able to work on own initiative | <input type="checkbox"/> | <input type="checkbox"/> |
| • Employee is ICT literate | <input type="checkbox"/> | <input type="checkbox"/> |
| • Employee must have at least one year's service | <input type="checkbox"/> | <input type="checkbox"/> |
| • Employee has a proven track record of past performance with proven ability to meet deadlines and deliverables | <input type="checkbox"/> | <input type="checkbox"/> |
| • Employee is reliable with respect to security of data | <input type="checkbox"/> | <input type="checkbox"/> |

Final Teleworking schedule as agreed with the applicant's Director

	AM	PM
Monday	<input type="checkbox"/>	<input type="checkbox"/>
Tuesday	<input type="checkbox"/>	<input type="checkbox"/>
Wednesday	<input type="checkbox"/>	<input type="checkbox"/>
Thursday	<input type="checkbox"/>	<input type="checkbox"/>
Friday	<input type="checkbox"/>	<input type="checkbox"/>

N.B. A minimum of 10% of the total working time is to be performed from the Ministry's/Entity's Premises, unless otherwise agreed (vide article 9.2 of the Guidelines).

* One negative marking makes this application unsuccessful.

Approved:

Rejected:

Date: _____

Reason/s:

Signed by:

Director: Full Name: _____ Signature: _____

**H.R. Manager /
Director responsible for corporate services:**

Full Name: _____ Signature: _____

Permanent Secretary:

Full Name: _____ Signature: _____

TELEWORK AGREEMENT

Agreement entered into on < date > between Name of employee > with ID card number < ID Card Number > and residing at < insert employee address > referred to as the employee; and < Name > in the capacity of < position > on behalf of < Department/Directorate or Entity > referred to as the employer.

1. This agreement is valid for 12 months from date of agreement and thereafter is subject to renewal every 12 months.
2. The purpose of this agreement is to define the terms under which telework will be implemented for the employee. The terms of agreement are based on the policy principles outlined in the "Teleworking Policy in Public Administration" and the "Guidelines on the Implementation of Teleworking by Public Employees" which documents have been made available to the employee who confirms understanding thereof .

Teleworking is based on a voluntary agreement between the individual and the Ministry / Entity. It is neither the right of an individual nor an obligation that can be imposed by the employer. Termination of this agreement can be instigated at any time by either party by giving thirty (30) working days' notice in writing. The teleworker's failure to meet the agreed standards and workload entails immediate termination of telework.

3. The employee must be contactable by phone during normal office hours and available at their place of telework during the agreed core hours, which are between < specify core hours >.
4. Telephone number, where the teleworker can be contacted during normal office hours: _____: in the event that the telephone number becomes unavailable or if the telephone number is changed the employee is obliged to inform the employer as soon as possible and in any event by not later than one (1) working day from the number becoming unavailable or being changed.
5. The schedule by which the employee will work on telework is < specify days / time >.
6. The teleworker is subject to the same working conditions in terms of responsibilities, liabilities, policies, employment conditions and all other legislation, regulations, determinations and code of conduct, etc. that are applicable at the central workplace. Employee and Director / Manager are to

agree in advance on the deliverables as happens with employees working at base.

7. The employer shall ensure that initial installation of equipment, which shall be of such safety standards as are applicable if the equipment were to be installed at an "on-site" work-place, shall be carried out in such a manner as to ensure safe operation. Given the nature of the equipment and the area in which it shall be operated, due consideration being given to family and social factors in the said area. The employee is properly instructed in the safe use of the equipment.
8. The employer shall carry out periodic, pre-announced visits to the work-place to examine the equipment and work-place and shall direct modifications or repairs as may be required to the workstation. This shall be at the expense of the employee, including modification to the placement or positioning of the equipment, subject to the employee's consent thereto. In the event that the employee does not consent to visits or modification or repair, the employer shall have no liability whatsoever in the event of injury or incapacity caused by the equipment or the work-process occurring since installation or the last visit performed as the case may be. The employer shall at his complete discretion be entitled to terminate the teleworking arrangement in the event that circumstances so require.
9. The employee should attend compulsory training session/s provided by the Government on the design of effective and risk-free workstations. Following the successful completion of this training the employee is required to conduct a risk assessment of the workstation, from where s/he is intended to perform telework.
10. The employee shall take reasonable care of the equipment and examine same from time to time with a view to ensuring that it remains functional and safe for him/herself and other family members or visitors. Furthermore, the employee shall not make any modification to the equipment or the placement thereof within the operating area and shall not attach thereto any other equipment other than with the consent and under the supervision of the employer.
11. The teleworker is and remains a regular employee, and shall be eligible to participate in all activities and enjoy the same benefits as any other employee not on teleworking. In the same manner a teleworker is and remains bound by the policies, rules and regulations of the employer and is liable to these in the same manner as any other employee.
12. All equipment provided by the employer shall remain the property of the employer and the employee is bound by all policies and regulations related to such matters as applied in the central workplace. Any security arrangements for equipment and assets and all procedures for securing the confidentiality and protection of information and intellectual property therein are to be in accordance with organisational policy or practice if a policy is not in place and it shall be the responsibility of the employee to take such measures as would be taken in a non-teleworking environment, including the physical securing of equipment and assets, to protect the interests of the employer.

13. The teleworker is bound by regulations governing use of ICT in Government. All relevant policies are to be observed irrespective of where the teleworker is working and whether the equipment being used for teleworking has been provided by the employer or is the employee's own.
14. The equipment used for teleworking will be used according to standards and security measures conformant to Government policies and recommendations, and may be subject to keystroke or call listening/recording. The employee by entering into this Teleworking Agreement is consenting to all reasonable methods of surveillance by the employer to ensure the proper performance by the employee of the duties of employment.
15. It is to be ensured that work deliverables are monitored and it is the responsibility of the teleworker to adhere to all the reporting mechanisms which may be laid down by the employer.
16. The employer is responsible for the provision and maintenance of equipment if this is deemed necessary. An agreed list of equipment is to be attached to this Agreement and signed by the employee and the Director/Manager. Any changes to this list shall be made in writing and signed by both parties.
17. The employee is responsible to take reasonable care of all equipment given to him or her and is liable for any damage arising due to negligence. Further, the employee should periodically examine the equipment to ensure that it remains functional and safe and refrains from modifying or adding any equipment without the consent of the employer.
18. In order to ensure work continuity, whenever any equipment requires repairs, the employee should accept any temporary arrangement provided by the Director. This arrangement shall remain in force until such time as the equipment's functionality is fully restored.
19. Teleworking arrangements are subject to review every 3 months during the six-month trial period. Reviews will then be reduced to every six months for the period during which the employee is teleworking.
20. The location, type of work, results measurements, contact and working arrangements are to be agreed to between the employee and his / her manager. The employer / Director through the respective Human Resources Manager / Director responsible for corporate services, should endorse any other proposed changes to the conditions of employment. In case of disagreement, the changes should be endorsed by the respective Permanent Secretary. These arrangements should be documented, signed by both the manager and the teleworker and attached to this agreement. Any changes to these arrangements should be agreed to and signed by both parties. A copy of the agreement is to be kept by the employee with another copy inserted in the employee's personal file.

I have read and understood the arrangements detailed in the Agreement and I accept such arrangements.

Employee

Permanent Secretary

Date:

Appendix D – Cost-Estimates of Technology required by different Teleworking models.

Tier 1

<u>Connectivity requirements:</u> Internet Connection		<u>Functional requirements:</u> Internet, E-Mail	
Item	€	Frequency	
Cable/DSL	549.73	Annual	
Connectivity fee	221.29	One time cost	

Tier 2 / Tier 3

<u>Connectivity requirements:</u> Internet Connection + VPN		<u>Functional requirements:</u> Internet, E-Mail and access to specific applications	
Item	€	Frequency	
Cable/DSL	549.73	Annual	
Connectivity fee	221.29	One time cost	
VPN fee	55.90	One time cost	
VPN Teleworker's fee	200.33	Annual	

Appendix E: Asset Inventory for Telework Facilities

TELEWORKERS'S DETAILS

Surname: _____ Name: _____
Ministry: _____ Department: _____
Grade / Position: _____ Office Tel: _____
E-Mail Address: _____ I.D. card No: _____
E-Work Address: _____

I, the undersigned agree that all the equipment listed underneath is loaned to me as a result of being on telework. I have duly inspected the said equipment before accepting it and I certify that it is in good working order and condition. I acknowledge that this equipment is the property of the Government of Malta and during the period that such equipment shall be registered as being in my possession, I shall be solely and exclusively responsible for said equipment. During this same period, unless instructed otherwise by the Head of Department, I shall be the only person to use the equipment, and such use shall be restricted solely and exclusively to the proper performance of my duties as a teleworker. I shall not in any way open, tamper or alter the said equipment. I bind myself to duly deliver the equipment back to the Department either upon my termination of employment and/or if directed to do so by management at any point during employment. I also bind myself to report any faults or repairs as soon as these are known.

I further acknowledge that the equipment is to be returned in a good state and condition.

ASSET INVENTORY GIVEN TO TELEWORKER (PLEASE LIST ALL HARDWARE AND SOFTWARE)

Item Description	Serial Number
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

Signed by:

Employee: Full Name: _____ Signature: _____

Head of Department: Full Name: _____ Signature _____

Date: _____

Return of Equipment

Received by: _____ Full Name & Surname: *(In block letters)*

(Signature)

Date of receipt: _____

Above mentioned items have been returned in good condition

Appendix F – Determining Job Suitability

The flowchart below shall be used to determine whether the applicant's job is suitable for e-Working.

